

**Montana Department of Transportation  
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**Administrative Rules of Montana  
2004**

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# ADMINISTRATIVE RULES OF MONTANA

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## Sub-Chapter I

### General Definitions

18.8.101 DEFINITIONS The following definitions shall apply throughout this chapter:

- (1) Holidays are New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, and Friday preceding any above-named holiday, when holiday is on Saturday, and Monday following any above-named holiday, when holiday is on Sunday.
- (2) Daylight hours means one half hour before sunrise to one half hour after sunset.
- (3) Commercial use means vehicles registered to a business, company, co-op, or corporation and are used in these businesses.
- (4) Personal use means vehicles registered to a private individual for his own personal use.
- (5) Unless otherwise provided for in statute, or these rules, a quarter or calendar quarter shall be a period of three consecutive months ending March 31, June 30, September 30, or December 31.
- (6) "F.o.b. factory list price" and "f.o.b. port-of-entry list price" mean manufacturer's suggested retail price (MSRP), as determined by the Montana department of justice under ARM 23.3.802 for light vehicles, motor homes, motorcycles, quadricycles and amphibious vehicles (if they are issued a license plate for highway use). For all vehicles over 1 ton, "f.o.b. factory list price" and "f.o.b. port-of-entry list price" mean manufacturer's suggested retail price or acquired cost, whichever is less.
- (7) Unless otherwise provided for in statute, or these rules, overhang is the part of a load that extends beyond the rear of a vehicle. Rear overhang is measured from the end of the vehicle or underride protection device.
- (8) A special permit is a written or electronic document which may be issued for either width, height, length or weight in excess of the statutory limits, or a combination of width, height, length and weight. A special permit shall be issued for a non-reducible load only, except when otherwise expressly set forth in the rules and regulations. The duration of a special permit may be either a single trip or a term permit.
- (9) "Continuous travel" means unrestricted hours of travel for certain vehicles or loads operating under special permits. Movement is allowed 24 hours a day, 7 days a week, including holidays and holiday weekends.
- (10) "Red route" means those highways upon which certain hours of travel may be prohibited for vehicles or loads operating under special permits. The highways are listed on the "red route restrictions" map which is available from the Motor Carrier Services Division, P.O. Box 4639, Helena, Montana 59604.
- (11) A convoy is a group of two to five vehicles or vehicle combinations traveling together.
- (12) A telephonic permit is a computer-generated special permit that is issued to a vehicle or load that originates in a location where the permit cannot be transmitted electronically or purchased in person. A vehicle or load that is operating on a telephonic permit is subject to all applicable rules and regulations that apply to special permits.
- (13) Financial stationery permits are hand written special permits issued on pre-printed, four-part, consecutively numbered forms. (History: 61-3-716 and 61-10-155, MCA; IMP, 61-3-711 through 61-3-733, 61-10-107, 61-10-121, and 61-10-125, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 1998 MAR p. 170, Eff. 1/16/98; AMD, 2000 MAR p. 1075, Eff. 4/28/00; AMD, 2001 MAR p. 2142, Eff. 10/26/01; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

## Sub-Chapter 2

### Proportional Registration

18.8.201 INTERSTATE APPORTIONED LICENSING (IS HEREBY REPEALED) (History: 61-3-716, MCA; IMP, 61-3-711 through 61-3-733, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 1682, Eff. 12/28/79; AMD, 1988 MAR p. 1704, Eff. 7/29/88; REP, 1996 MAR p. 1971, Eff. 7/19/96.)

18.8.202 MOTOR CARRIERS OPERATING INTERSTATE (1) Motor carriers operating interstate or both interstate and intrastate need only apply to the Montana department of transportation for their registration credentials. Interstate registration credentials will also be honored for intrastate operations.

(2) There is a charge of \$5.00 per motor vehicle for each vehicle registered through the single state registration system.

(3) By reference, the department hereby adopts the rules promulgated by the single state registration system in accordance with 49 USC 11506, a copy of which may be found at the offices of the Montana Department of Transportation, Motor Carrier Services Division, 2701 Prospect, P.O. Box 201001, Helena, MT 59620-1001.

(4) By reference, the department hereby adopts the rules of the interstate commerce commission codified as part 1023 of Title 49 of the Code of Federal Regulations, a copy of which may be found at the offices of the Montana Department of Transportation, Motor Carrier services Division, 2701 Prospect, P.O. Box 201001, Helena, MT 59620-1001. (History: 61-3-710, MCA; IMP, 61-3-708, MCA; NEW, 1995 MAR p. 1416, Eff. 7/28/95.)

18.8.203 TERM PERMIT AND TRAILER IMPLEMENTATION (IS HEREBY REPEALED) (History: 61-3-716 and 61-10-155, MCA; IMP, 61-3-313, 61-3-711 through 61-3-733, 61-10-107 and 61-10-121, MCA; NEW, 1995 MAR p. 2422, Eff. 1/1/96; REP, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.204 FLEET TRANSFERS (1) Motor carriers with multiple fleets of vehicles may transfer vehicles owned by that carrier from one fleet to another fleet only one time each calendar year.

(2) Gross vehicle weight fees are not transferrable but will be credited to the fleet from which the vehicles were transferred. Gross vehicle weight fees will be assessed in the fleet into which the vehicles have been transferred.

(3) All registration fees must be repaid on vehicles transferred into the new fleet. (History: 61-3-716, MCA; IMP, 61-3-721, 61-3-725, MCA; NEW, 1995 MAR p. 2422, Eff. 1/1/96; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.205 CHANGE OF REGISTRATION PERIOD (1) Motor carriers with multiple fleets of vehicles may change the annual registration period for a fleet, upon request of the owner, to the same registration period of one or more of the owner's other fleets.

(2) The change of registration period for a fleet must be done during the renewal period assigned to the fleet before transfer.

(3) Gross vehicle weight fees will be prorated to the end of the new registration period.

(4) The annual registration period begins on the first day of a calendar quarter. As used in this subsection, "calendar quarter" means a period of three consecutive months which end on March 31, June 30, September 30, or December 31. (History: 61-3-716, MCA; IMP, 61-3-716 and 61-3-721, MCA; NEW, 1995 MAR p. 2422, Eff. 1/1/96; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.206 GRACE PERIOD (1) Grace periods do not apply to vehicles licensed under 61-3-711 through 61-3-717 and 61-3-721 through 61-3-733, MCA. Vehicle registrations must be renewed on or before the last day of the month for the designated annual registration period. (History: 61-3-716, MCA; IMP, 61-3-721, MCA, NEW, 1995 MAR p. 2422, Eff. 1/1/96.)

18.8.207 PAYMENT OF FEES (1) Vehicles subject to staggered registration through the IRP must remit all fees at the time of registration. Fees may not be remitted quarterly, semi-annually or

monthly. (History: 61-3-716, MCA; IMP, 61-3-721 and 61-3-729, MCA; NEW, 1995 MAR p. 2422, Eff. 1/1/96.)

18.8.208 TERM PERMIT EXPIRATION (IS HEREBY REPEALED) (History: 61-3-716 and 61-10-155, MCA; IMP, 61-10-107 and 61-10-121, MCA; NEW, 1995 MAR p. 2422, Eff. 1/1/96; REP, 2004 MAR p. 2392, Eff. 10/8/04.)

### Sub-Chapter 3

#### Reciprocity

18.8.301 GENERAL RECIPROCITY INFORMATION (1) Vehicles registered in other states and provinces may be granted reciprocity on certain license requirements and fees. Specific information for each jurisdiction is available by contacting the Motor Carrier Services Division, Box 4639, Helena, Montana 59604, (406)444-6130, voice, or (406) 444-7696, TDD (2701 Prospect Avenue.) (History: 61-3-716, MCA; IMP, 61-3-711 through 61-3-733, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 639, Eff. 2/29/80; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.302 TRANSIT PLATES - TRANSIT PERMITS - TRANSPORTER PERMITS - DEALERS LICENSE - SPECIAL PERMITS IN LIEU OF REGISTRATION - TEMPORARY REGISTRATION (IS HEREBY REPEALED) (History: 61-3-716, MCA; IMP, 61-3-711 through 61-3-733, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 639, Eff. 2/29/80; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.303 SMALL UTILITY RENTAL TRAILERS - DRAWN BY PASSENGER TRUCKS (U-HAUL AND OTHERS) (IS HEREBY REPEALED) (History: 61-3-716, MCA; IMP, 61-3-711 through 61-3-733, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 639, Eff. 2/29/80; REP, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.304 VEHICLES OWNED BY GOVERNMENTAL AGENCIES (1) All government vehicles leased to commercial enterprises must license in Montana or purchase trip permits for interstate travel. (History: 61-3-716, MCA; IMP, 61-3-711 through 61-3-733, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 639, Eff. 2/29/80; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1996 MAR p. 1971, Eff. 7/19/96.)

18.8.305 NON-RESIDENT CUSTOM COMBINE OPERATORS (IS HEREBY REPEALED) (History: 61-3-716, MCA; IMP, 61-3-711 through 61-3-733, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 639, Eff. 2/29/80; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.306 FUEL, SIZE, WEIGHT, SAFETY, AND CARGO HAULING AUTHORITY REQUIREMENTS (1) The reciprocity granted does not excuse or relieve any owner or operator of any vehicle granted reciprocity from complying with all fuel laws, driver and vehicle safety requirements, all commercial carrier laws and regulations, and all the size and weight provisions of 61-10-101 through 61-10-148, MCA. (History: 61-3-716, MCA; IMP, 61-3-711 through 61-3-733, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 639, Eff. 2/29/80; AMD, 1988 MAR p. 1704, Eff. 7/29/88.)

### Sub-Chapter 4

#### Gross Vehicle Weight Fees

18.8.401 TRUCKS AND TRAILERS (IS HEREBY REPEALED) (History: 61-10-201 through 61-10-203, MCA; IMP, 61-10-201 through 61-10-203, MCA; Eff. 12/31/72; REP, 1998 MAR p. 1704, Eff. 7/29/88.)

18.8.402 VEHICLES WITH A GROSS WEIGHT IN EXCESS OF 42,000 POUNDS (IS HEREBY REPEALED) (History: 61-10-201 through 61-10-203, MCA; IMP, 61-10-201 through 61-10-203, MCA; Eff. 12/31/72; REP, 1998 MAR p. 1704, Eff. 7/29/88.)

18.8.403 TRAILERS UNDER 2,500 POUNDS GROSS WEIGHT COMMERCIAL (IS HEREBY REPEALED) (History: 61-10-202, MCA; IMP, 61-10-202, MCA; Eff. 12/31/72; REP, 1998 MAR p. 1704, Eff. 7/29/88.)

18.8.404 TRAILERS UNDER 2,500 POUNDS (IS HEREBY REPEALED) (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-202, MCA; IMP, 61-10-202, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88; REP, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.405 75% FEES (IS HEREBY REPEALED) (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-204, MCA; IMP, 61-10-204, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88; REP, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.406 55% FEES (IS HEREBY REPEALED) (History: IMPLIED, 61-10-205, MCA; IMP, 61-10-205, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.407 HOUSE TRAILERS (IS HEREBY REPEALED) (History: IMPLIED, 61-10-205, MCA; IMP, 61-10-205, MCA; Eff. 12/31/72; REP, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.408 TOW CARS (WRECKERS) (1) G.V.W. fees paid on tow cars (wreckers) shall be the 100% G.V.W. fee as shown in section 61-10-201, MCA, schedule I.

(2) The fees shall be paid on the maximum gross loaded weight of the towing vehicle only. The maximum gross loaded weight shall be determined by the owner.

(3) All tow cars (wreckers) are to display truck registration plates.

(4) Dealer plates are not valid on tow cars (wreckers). (History: 61-10-201 and 61-10-155, MCA; IMP, 61-10-201, MCA; Eff. 12/31/72; AMD, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.409 BUSSES AND STAGES (IS HEREBY REPEALED) (History: IMPLIED, 61-10-207, MCA; IMP, 61-10-207, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.410 SCHOOL BUSES (IS HEREBY REPEALED) (History: IMPLIED, 61-10-207, MCA; IMP, 61-10-207, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.411 STATION WAGONS, SUBURBANS, AND VANS (1) Station wagons, suburbans, and vans may be registered as passenger vehicles if used principally for the purpose of transporting persons. Vehicles must be registered as trucks if used only for the transportation of freight or merchandise.

(2) The altering of any vehicle by addition of a truck body makes registration as a truck mandatory. (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, Title 61, chapter 10, MCA; IMP, 61-1-107 and 61-10-201, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.412 SELF-PROPELLED MOTOR HOMES (1) Motor homes used as recreational vehicles may be licensed as passenger cars and when so licensed are not subject to G.V.W. fees. When used commercially, a motor home must be licensed as a truck and pay G.V.W. fees. (History: This rule is advisory only but may be a correct interpretation of the law. Title 61, chapter 10, MCA; IMP, 61-10-201, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.413 DEALER PLATES (1) G.V.W. fees need not be paid for vehicles displaying a dealer's plate except when any provision of 61-10-214(3), MCA, has been violated. (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-214, MCA; IMP, 61-10-214, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.414 INCREASE IN WEIGHT AND/OR CHANGE OF CLASSIFICATION (1) The operator will be entitled to credit for fees already paid when an increase in weight and/or change of classification is made.

(2) When changing from a more costly gross weight fee classification or weight classification to a less expensive classification no refund shall be given.

(3) Within the same classification, increased gross vehicle weight may be purchased by paying the additional required fees. (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-201, 61-10-202, 61-10-209, and 61-10-233, MCA; IMP, 61-10-201, 61-10-202, 61-10-209, 61-10-209, and 61-10-233, MCA; Eff. 12/31/72; AMD, 1988 MAR p.1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

18.8.415 MONTHLY - QUARTERLY G.V.W. FEES (1) The quarter fee shall be one fourth of the fee set forth in 61-10-201 and 61-10-203, MCA, if the gross weight exceeds 24,000 pounds. For purposes of (1) through (4) of this rule, a quarter shall be any consecutive three-month period.

(2) Any combination of consecutive monthly fees shall be issued on one receipt and only one \$5.00 additional fee shall be charged. Payment of gross weight fees for non-consecutive months requires a separate receipt for each month and the payment of the \$5.00 additional fee for each receipt.

(3) Upon expiration of gross weight fees purchased for three or more consecutive months, the owner or operator of the vehicle must within 10 calendar days or 7 business days, whichever is greater, pay the required fee for at least one additional month before the vehicle may be operated on public highways. No grace period is granted to owners of vehicles when gross weight fees are purchased for a one-month period, two-month period, or any combination of non-consecutive months.

(4) The \$5.00 additional fee is not collected when an Owner's Certification of Registration and Tax Receipt is issued or a Registration Purposes Only Receipt (R.P.O.) is issued (T, TR, R.P.O.).

(5) The G.V.W. fee receipt will state the issue date, effective date, and expiration date. The receipt is only valid for the time period between the effective date and the expiration date.

(6) Sixty day temporary window and temporary personalized plate window stickers do not include G.V.W. fees. G.V.W. fees must be paid prior to operation on the highway. Fees collected with the temporary stickers are subject to the additional \$5.00 fee.

(7) Twenty day stickers issued by dealers and county treasurers do include G.V.W. fees. (History: 61-10-155, MCA; IMP, 61-10-209, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96.)

18.8.416 QUARTER FEE CHANGES OR CHANGES OF WEIGHT OR CLASSIFICATION (IS HEREBY REPEALED) (History: IMPLIED, 61-10-201, 61-10-202, 61-10-209, and 61-10-233, MCA; IMP, 61-10-201, 61-10-202, 61-10-209, and 61-10-233, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.417 QUARTER INCREASE IN WEIGHT OR CHANGE OF CLASSIFICATION (IS HEREBY REPEALED) (History: IMPLIED, 61-10-201, 61-10-202, 61-10-209, and 61-10-233, MCA;



IMP, 61-10-201, 61-10-202, 61-10-209, and 61-10-233, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.418 PERIOD OF QUARTER FEE (IS HEREBY REPEALED) (History: 61-10-155, MCA. This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-209, MCA; IMP, 61-10-209 and 61-10-223, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR. p. 1148, Eff. 4/29/94; REP, 2000 MAR p 1075, Eff. 4/28/00.)

18.8.419 EXPIRATION (IS HEREBY REPEALED) (History: IMPLIED, 61-10-209 and 61-10-223, MCA; IMP, 61-10-209 and 61-10-223, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.420 G.V.W. VALIDATING IDENTIFICATION (1) Each truck, truck tractor, trailer, semitrailer or three unit combination with a gross weight in excess of 24,000 pounds (or non-resident paying a G.V.W. fee only) will be issued a G.V.W. cab card showing the expiration of the G.V.W. fees paid. The cab card will be either an Owner's Registration Receipt, G.V.W. Form 3, or computer-generated G.V.W. fee receipt. (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-209, MCA; IMP, 61-10-209, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1075, Eff. 3/28/80; AMD, 1988 MAR. p. 1704, Eff. 7/29/88; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.421 DELIVERY ZONE PERMIT (IS HEREBY REPEALED) (History: 60-2-201 and 60-3-101, MCA; IMP, 61-10-203, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1076, Eff. 3/28/80; AMD, 1981 MAR p. 90, Eff. 1/30/81; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.422 TEMPORARY TRIP PERMITS (1) The time limit on all temporary trip permits shall be 72 hours. For extension of temporary trip permits, see additional information in this rule.

(2) Vehicles used by displays or exhibitions (including circuses and carnivals) may be permitted to cover the period of their schedule for a single trip through the state. The last date the vehicle is to be in Montana is shown as the expiration date of all temporary trip permits issued to displays, carnivals, and circuses. Maximum permit fees must be paid.

(3) A trip shall be the total number of miles traveled in Montana on public highways, roads and streets by each vehicle.

(4) Each single vehicle or each vehicle in a combination with a gross weight of over 6,000 pounds requires a temporary trip permit if one or more of the following conditions apply:

(a) Vehicles titled or domiciled in a state not having a reciprocal agreement with the state of Montana.

(b) Non-reciprocal dealers plates.

(c) Commercial busses or charter busses operating from non-reciprocal states.

(d) House trailers being transported for sale or resale by use of non-reciprocal dealers plates.

(e) Non-reciprocal transit plates or reciprocal transit plates displayed on vehicles operated by a carrier whose base state of operation does not have a reciprocal agreement with Montana.

(f) Non-resident vehicles traveling with improper G.V.W. or licenses.

(g) All non-resident trucks or trailers not carrying proper registration cards or papers showing state of domicile.

(h) All non-resident vehicles a part of an interstate fleet not licensed as required by agreements, including vehicles without proper papers.

(i) All non-resident vehicles hauling loads in excess of license of state of domicile.

(j) Any non-resident vehicles not currently licensed in any jurisdiction.

(k) All government vehicles leased by commercial enterprises.

(5) Exceptions are:

- (a) Non-resident interstate vehicles properly licensed from states with which Montana has reciprocity on gross weight fees.
- (b) Non-resident house trailers towed non-commercially through Montana properly licensed in another state, the principal use of which is living quarters, temporary or permanent.
- (c) Non-resident vehicles traveling on Montana trip permits are not required to purchase Montana license plates.
- (d) Montana temporary trip permits shall not be issued to resident vehicles.
- (e) Trailers drawn by trucks or tractors licensed under Schedule I fees are not subject to trip permits if currently licensed and the registration receipt accompanies the vehicle.
- (f) Two axle vehicles not exceeding 26,000 pounds licensed in an international registration plan jurisdiction.
- (g) Vehicle or combination of vehicles not exceeding 26,000 pounds gross vehicle weight licensed in an international registration plan jurisdiction.
- (h) Government vehicles operated by government personnel.
- (6) Non-resident vehicles licensed with a temporary trip permit may perform an intrastate movement.
- (7) Upon application to an M.C.S. enforcement officer or a highway patrol officer, a trip permit may be extended for the following reasons:
  - (a) A delay due to mechanical breakdown or hazardous conditions, up to 15 days; or
  - (b) When a weekend or holiday prevents unloading or loading of the vehicle, for the period of the weekend or the holiday.
- (8) The department of transportation may designate agents to sell temporary trip permits. (History: 61-10-155, MCA. This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-212, MCA; IMP, 61-10-211 through 61-10-214, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 699, Eff. 4/16/82; AMD, 1988 MAR. p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 2000 MAR p. 1075, Eff. 4/28/00; AMD, 2001 MAR p. 2142, Eff. 10/26/01; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.423 SINGLE MOVEMENT PERMITS (IS HEREBY REPEALED) (History: IMPLIED, 61-4-310, MCA; IMP, 61-4-310, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.424 DEALER'S DEMONSTRATION PERMITS (IS HEREBY REPEALED) (History: IMPLIED, 61-4-114, MCA; IMP, 61-4-114 through 61-4-118, MCA; Eff. 12/31/72; REP, 1982 MAR p. 9, Eff. 1/15/82.)

18.8.425 TRANSIT PERMITS (IS HEREBY REPEALED) (History: IMPLIED, 61-4-301, MCA; IMP, 61-4-301 through 61-4-308, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.426 CUSTOM COMBINES (1) Operators of custom combines are issued special permits to cover registration, gross vehicle weight fees, overwidth, overlength and overheight, and fuel requirements. Detailed information may be obtained by contacting the Motor Carrier Services Division, Box 4639, Helena, MT 59604, (406) 444-6130, voice, or (406) 444-7696, TDD. Also, refer to 61-10-124(6) and (7), MCA, and to subchapters 5 and 7 for overdimensional and additional weight permit requirements.

(2) Combines owned and operated by a farmer, used by him on his own lands and incidently moved over the highways from his own lands to his own lands or to a point for service or returned from service, are not subject to license or gross weight fees.

(3) Combines operated by implement dealers being delivered to a farmer or rancher, or moved from a farm or ranch to a dealer's place of business, or moved from dealer to dealer, are not subject to license of any kind.

(4) Custom combine permits include height to and including 14 feet, 6 inches and width to and including 15 feet. (History: 15-70-314 and 61-10-155, MCA; This rule is advisory only but may be a correct interpretation of the law. (History: IMPLIED, 15-24-1001, MCA; IMP, 15-24-301, 15-24-1001, 15-70-311, 61-10-124, and 61-10-214, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1077, Eff. 3/28/80; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.427 PROPERTY TAX PAID STICKER (IS HEREBY REPEALED) (History: IMPLIED, 15-24-202 through 15-24-208, MCA; IMP, 15-24-202 through 15-24-208, MCA; Eff. 12/31/72; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.428 FERTILIZER VEHICLES (1) Fertilizer vehicles used exclusively by a farmer in his own farming operation are considered implements of husbandry.

(2) Vehicles capable of hauling other commodities are not considered fertilizer spreaders and must pay the appropriate G.V.W. fees. (History: 61-10-155, MCA; IMP, 61-1-104, 61-3-431, 61-10-201, and 61-10-206, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1078, Eff. 3/28/80; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96.)

18.8.429 DISPLAY OF MONTHLY OR QUARTERLY G.V.W. FEE RECEIPTS (1) Upon application and payment of the applicable gross vehicle weight fees for a one-month or three-month period for vehicles subject to the provisions of 61-10-209, MCA, the department shall issue a receipt which shows the months for which the vehicle is licensed for gross vehicle weight.

(2) The receipt shall be carried in the vehicle for which it was issued at all times while the vehicle is operated in Montana.

(3) The receipt shall be displayed upon demand for inspection by any peace officer, officer of the highway patrol or employee of the department.

(4) A violation of this rule is punishable under 61-10-232, MCA. (History: 61-10-155 and 61-10-209, MCA; IMP, 61-10-209, MCA; NEW, 1987 MAR p. 1483, Eff. 8/28/87; AMD, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.430 DETERMINING THE WEIGHT OF A TRAILER (1) When determining the weight of a trailer, the manufacturer's rated capacity shall be used. (History: 61-10-155, MCA; IMP, 61-10-201, MCA; NEW, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.431 MAXIMUM ALLOWABLE WEIGHT (1) The maximum allowable gross weight allowed for vehicle combinations hauling divisible loads is 131,060 pounds. Vehicles and vehicle combinations hauling divisible loads must comply with the federal bridge formula found in 61-10-107, MCA.

(2) The maximum allowable gross weight allowed for vehicle combinations hauling divisible loads and operating under the Montana/Alberta memorandum of understanding (MOU) is 137,800 pounds. A copy of this MOU is available and can be reviewed at the Montana Department of Transportation's main office at 2701 Prospect, Helena, Montana. (History: 61-10-155, MCA; IMP, 61-10-107, MCA; NEW, 2001 MAR p. 2142, Eff. 10/26/01.)

## Sub-Chapter 5

### Overdimensional Permit Requirements

18.8.501 SPECIAL PERMIT (DIMENSIONS OR WEIGHT - EXCEEDING STATUTORY LIMITS) (IS HEREBY REPEALED) (History: 61-10-155, MCA; IMP, 61-10-121, 61-10-122, 61-10-124, 61-10-125, and 61-10-127, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1996 MAR p. 2980, Eff. 7/19/96; REP, 2000 MAR p 1075, Eff. 4/28/00.)

18.8.502 SINGLE TRIP (IS HEREBY REPEALED) (History: 61-10-155, MCA; IMP, 61-10-121 and 61-10-124, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1984 MAR p. 389, Eff. 3/1/84; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1996 MAR p. 2980, Eff. 7/19/96; REP, 2000 MAR p 1075, Eff. 4/28/00.)

18.8.503 TERM PERMIT (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-124, MCA; IMP, 61-10-101 and 61-10-124, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, 1984 MAR p. 389, Eff. 3/1/84; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.504 DURATION OF PERMIT (1) The duration of a single trip special permit is the length of time for the specified move as indicated by the effective date and the expiration date shown on the permit. A single trip special permit may be issued if any of the following conditions apply:

- (a) The powered vehicle is operating on a Montana temporary trip permit;
- (b) The applicant requests a single trip permit;
- (c) Dimensions or weight exceed the maximums allowed in 61-10-121 through 61-10-125, MCA.

(2) Term permits issued on financial stationery or computer-generated permits are valid from January 1 through December 31. Term permits issued on the apportioned registration (cab card) to Montana based vehicles licensed under the International Registration Plan (IRP), expire with the registration. Term permits issued under regional permit agreements are valid for a maximum of one year and expire on a date determined by the rules of the agreement. A term permit may only be issued to a power unit which is properly licensed with Montana. (History: 61-10-155, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 2000 MAR p. 1075, Eff. 4/28/00; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.505 FEE FOR PERMITS (IS HEREBY REPEALED) (History: IMPLIED, 61-10-124, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1982 MAR p. 699, Eff. 4/16/82; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.506 ISSUANCE OF PERMIT (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.507 INSURANCE (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.508 SELF-ISSUING PERMIT (1) Upon payment of fees, trip or term self-issuing special permits may be obtained from the Helena motor carrier services office for excess width, height, weight, and length. These permits shall be completed for use as needed by the purchaser.

(2) The permittee must insert all information on the permit form in order to validate the permit. If the permit is not filled out completely, it will be confiscated. Repeated failures to completely fill out information will result in the applicant being denied the privilege of using self-issuing permits.

(3) Any questions concerning self-issuing permits must be directed to the Motor Carrier Services Division, Box 4639, Helena, MT 59604, (406) 444-6130. (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-121, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

18.8.509 GENERAL PERMIT RESTRICTIONS (1) Unless otherwise provided for in statute or in these rules, permits issued under 61-10-121 through 61-10-125, MCA, are subject to the following requirements.

(2) Alteration of any word or figure on the face of a permit will void the permit immediately and it will be subject to confiscation by the inspecting officer.

(3) A permit is not transferable upon change of ownership of a vehicle. If the owner of the vehicle for which a current permit has been issued replaces the vehicle, the department may transfer the permit to the new vehicle. A permit is transferable as provided in 61-10-121(1), MCA.

(4) The original or legible copy of a computer-generated term permit must be carried in the assigned vehicle, unless the vehicle is being operated on a telephonic permit. A term permit issued to a Montana implement dealer, or a term permit issued on financial stationery or a self-issuing prepaid term permit must be the original document and carried in the assigned vehicle.

(5) Resident implement dealers may purchase a term special permit for width, length and height determined by the department.

(6) Extreme caution in the operation of a motor vehicle shall be exercised when hazardous conditions such as those caused by snow, ice, sleet, fog, mist, rain, dust or smoke adversely affect visibility or traction. Speed shall be reduced when such conditions exist. The driver of any vehicle equipped with vehicular hazard warning lights may activate such lights whenever necessary to warn the operators of following vehicles of the presence of a traffic hazard ahead of the signaling vehicle, or to warn the operators of other vehicles that the signaling vehicle may itself constitute a traffic hazard. When conditions become sufficiently dangerous, the company or the operator shall discontinue operations, and operations shall not be resumed until the vehicle can be safely operated. No travel is allowed when a route has been placed under emergency travel conditions as determined by the department of transportation. The department of transportation road report is available between November 1 and May 1, 24 hours a day by calling 511 or (800) 226-7623 and on the department of transportation internet site at [www.mdt.state.mt.us](http://www.mdt.state.mt.us).

(7) If any oversize or overweight movement by the permittee constitutes a hazard or is involved in an accident upon any highway in the state of Montana, such permittee shall be subject to additional restrictions at the discretion of the administrator of the M.C.S. division for special permits for future use of the highways.

(8) Convoys will not be allowed unless otherwise specified in these rules.

(9) All vehicles shall comply with Montana licensing requirements.

(10) The total responsibility for protection of the public using the highway shall be assumed by the permittee.

(11) Vehicles operating under special permit are restricted to the posted speed limit unless a lower speed is required as a condition of the permit.

(12) Unless otherwise specified in statute or in these rules, the following travel restrictions apply to vehicles operating under special permits:

(a) Continuous travel is allowed for vehicles or vehicle combinations with load to and including 10 feet wide, or 110 feet long, or 14 feet 6 inches high.

(b) Vehicles traveling at night must be equipped with lights the full width and length of the vehicle and load which are visible for not less than 500 feet under normal atmospheric conditions at night;

(c) Travel is allowed during daylight hours, 7 days a week for the following vehicles and vehicle combinations:

(i) A single vehicle exceeding 55 feet in length;

(ii) Vehicles or vehicle combinations with load over 10 feet wide to and including 18 feet wide, over 110 feet long to and including 120 feet long, or over 14 feet 6 inches high to and including 18 feet high;

(iii) No travel on holidays, holiday weekends and "red routes" from 3 p.m. Friday until sunrise Saturday and from 12 noon Sunday until sunrise Monday.

(d) Travel is allowed during daylight hours, 5 days a week for the following vehicles and vehicle combinations:

(i) Vehicles or vehicle combinations with load exceeding 18 feet wide, or 120 feet long, or 18 feet high;

(ii) No travel on Saturday, Sunday, holidays and holiday weekends, and "red routes" from 3 p.m. Friday until sunrise Monday.

(13) The motor carrier services division administrator may, upon application in writing showing good cause and in the interests of the safety of the traveling public, allow special permits to be issued for travel at night, on Saturdays and Sundays, and on holidays. (History: 61-10-155, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1991 MAR p. 2219, Eff. 11/15/91; AMD, 1994 MAR p. 1148; Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 1997 MAR p. 546; Eff. 3/25/97; AMD 1998 MAR p. 171, Eff. 1/16/98; AMD, 2000 MAR p. 1075, Eff. 4/28/00; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.509A EMERGENCY TRAVEL AND EMERGENCY VEHICLES (1) At its discretion, the department may issue permits for emergency travel.

(2) The party requesting the emergency move shall contact the department of transportation, M.C.S. division, for authorization of the emergency move.

(3) Emergency travel may be granted under the following conditions:

(a) Acts of nature,

(b) Derailments,

(c) Highway accidents.

(4) The department of transportation may require safety devices, flag vehicle requirements, and routes of travel.

(5) A special permit shall be required when an emergency move is made.

(6) The motor carrier services division administrator may exempt the following vehicles from restricted hours of operation in an emergency situation:

(a) Government vehicles and,

(b) Private sector vehicles providing the same services as government vehicles.

(7) Emergency vehicles traveling at night must be equipped with lights the full width and length of the vehicle and load which are visible for not less than 500 feet under normal atmospheric conditions at night. (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; NEW, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

18.8.510 FLAGMAN REQUIREMENTS (EXCEPT HOUSE TRAILERS AND MOBILE HOMES) (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-

101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.510A REGULATIONS AND EQUIPMENT FOR FLAG VEHICLES (1) A flag vehicle may be any passenger car or two axle truck a minimum of 60 inches wide. The maximum manufacturer's rating for the flag vehicle shall not exceed 2 tons. A flag vehicle may not exceed legal limits of size and weight. A flag vehicle may pull a trailer or carry any item(s) or equipment or load in or on the flag vehicle which:

- (a) Does not exceed legal limits of size and weight; and
- (b) Does not obstruct the view of the flashing lights or signs used by the flag vehicle.
- (2) The flag vehicle preceding or following the property being transported shall be between 500 and 1,000 feet of the movement.
- (3) A sign with the words "oversize load" or similar wording shall be visible from the front of the vehicle and rear of the vehicle at all times when piloting an oversize load. Letters shall not be less than 8 inches in height. The letters shall be dark in color on a light colored background.
- (4) Flashing amber lights, visible front and rear, a minimum of 5 inches in diameter, 50 candlepower, 60 to 90 flashes per minute, shall be mounted at each end of a "wide load" sign on the roof of the flag vehicle. A revolving or strobe light may be substituted for flashing lights. Lights shall be flashing at all times when piloting an oversize load.
- (5) All flag vehicles shall be equipped with two way radio communication. (History: 61-10-155, MCA; IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; NEW, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1991 MAR p. 2219, Eff. 11/15/91; AMD, 1994 MAR p. 1148, Eff. 4/29/94.)

18.8.510B REGULATIONS AND EQUIPMENT FOR VEHICLES OR LOADS EXCEEDING 10 FEET WIDE (1) A sign with the words "OVERSIZE LOAD" or similar wording shall be mounted at any visible height on the front and rear of the load. Letters shall not be less than 8 inches in height. The letters shall be dark in color on a light colored background.

- (2) On the power unit, flashing amber lights, a minimum of 5 inches in diameter, 50 candlepower, 60 to 90 flashes per minute, shall be mounted at each end of the oversize load sign. A revolving light or strobe light may be substituted for flashing lights. Lights shall be flashing at all times when moving an oversize vehicle or load.
- (3) Flag vehicles may be required under ARM 18.8.511A in lieu of "oversize load" signs and flashing lights.
- (4) Towing vehicles must be equipped with two-way radio communications if flag vehicles are required under ARM 18.8.511A. (History: 61-10-155, MCA; IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-121 and 61-10-122, MCA; NEW, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1990 MAR p. 591, Eff. 3/30/90; AMD, 1991 MAR p. 2219, Eff. 11/15/91; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.511 REGULATIONS FOR FLAGMAN ESCORTS (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.511A WHEN FLAG VEHICLES ARE REQUIRED (1) Flag vehicles are required for vehicles operating under special permit if one or more of the following conditions apply:

- (a) When traveling on interstate highways:
  - (i) Width over 16.5 feet, one rear flag vehicle;
  - (ii) Length over 120 feet, one rear flag vehicle;
- (b) When traveling on non-interstate highways:

- (i) Width over 12.5 feet, to and including 16.5 feet, one front flag vehicle;
  - (ii) Width over 16.5 feet, one front and one rear flag vehicle;
  - (iii) Length over 110 feet, one rear flag vehicle.
- (2) A vehicle or load not equipped as required in ARM 18.8.510B must use one front and one rear flag vehicle for all travel.

(3) If a vehicle or load is not required to have a flag vehicle for interstate travel, no flag vehicle is required for a radius of two miles of an interstate interchange. (History: 61-10-155, MCA; IMP, 61-10-101 through 61-10-148, MCA; NEW, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1989 MAR p. 321, Eff. 2/24/89; AMD, 1990 MAR p. 591, Eff. 3/30/90; AMD, 1991 MAR p. 2219, Eff. 11/15/91; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 1997 MAR p. 647, Eff. 4/8/97; AMD, 2000 MAR p. 1075, Eff. 4/28/00; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

18.8.511B CONVOY MOVES OF OVERSIZE VEHICLES (1) Vehicles operating under special permit conditions which require the use of flag vehicles may be moved in a convoy under the following conditions:

- (a) Maximum width is 16.5 feet.
- (b) Maximum vehicle length is 120 feet.
- (c) A convoy may not exceed five vehicles or vehicle combinations operating under special permit.
- (d) There shall be a minimum of 500 feet and a maximum of 1000 feet between all vehicles in a convoy.
- (e) One properly equipped flag vehicle is required at the front and rear of the convoy. In addition to the equipment required in ARM 18.8.510A, each escort vehicle shall be equipped with a sign stating "Oversize Load Convoy."
- (f) Loads operating under ARM 18.8.602 conditions are required to have a properly equipped flag person as specified in 18.8.602 in each escort vehicle. (History: 61-10-155, MCA; IMP, 61-10-121 and 61-10-122, MCA; NEW, 1990 MAR p. 591, Eff. 3/30/90; AMD, 1996 MAR p. 1971, Eff. 7/19/96; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

18.8.512 HEIGHT (1) Each permit is automatically restricted to clearance of any bridge or underpass or other overhead obstruction on the route traveled.

(2) The permittee will be responsible for checking the route or routes to be traveled to determine clearance of bridges and/or other structures.

(3) The permittee shall be responsible for obtaining overheight clearances, including payment of all expenses incidental to removal of any thing obstructing clearances.

(4) All loads with a height of 14 feet, 6 inches or less may be issued either a term or single trip special permit.

(5) Non-reducible loads with a height in excess of 14 feet, 6 inches will be issued single trip special permits.

(6) A term or single trip permit may be issued for height of 15 feet for baled or loose hay. (History: 61-10-155, MCA; IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

18.8.513 WIDTH (1) A single trip or term permit may be issued for reducible loads to and including 9 feet in width, (9 feet 6 inches baled hay or hay racks), if they are hauled by vehicles that do not exceed 9 feet in total width. (History: 61-10-155, MCA; IMP, 61-10-121 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1984 MAR p. 389, Eff. 3/1/84; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)



18.8.514 LENGTH (IS HEREBY REPEALED)(History: 61-10-155, MCA; IMP, 61-10-104, 61-10-121 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1982 MAR p. 1541, Eff. 8/13/82; AMD, 1984 MAR p. 389, Eff. 3/1/84; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1988 MAR p. 2487, Eff. 11/24/88; AMD, 1991 MAR p. 2219, Eff. 11/15/91; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96; REP, 2000 MAR p 1075, Eff. 4/28/00.)

18.8.515 REGULATIONS FOR MOVEMENT OF A LONG LOAD (IS HEREBY REPEALED) (History: 61-10-155, MCA; IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-121 and 61-10-122, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1988 MAR p. 2487, Eff. 11/24/88; AMD, 1990 MAR p. 591, Eff. 3/30/90; AMD, 1991 MAR p. 2219, Eff. 11/15/91; REP, 2000 MAR p 1075, Eff. 4/28/00).

18.8.516 HAYSTACK MOVERS - COMMERCIAL SELF-PROPELLED (IS HEREBY REPEALED) (History: IMPLIED, 61-10-102, 61-10-121, 61-10-122, 61-10-123, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 11/4/74; AMD, 1979 MAR p. 322, Eff. 4/2/79; REP, 1984 MAR p. 389, Eff. 3/1/84.)

18.8.517 SPECIAL VEHICLE COMBINATIONS (1) A "special vehicle combination" is a truck-trailer-trailer combination of vehicles or truck tractor-semitrailer-trailer-trailer combination of vehicles.

(2) No special vehicle combination may be operated without a valid overlength permit.

(3) Special overlength permits shall be issued to a specific truck or truck tractor and are non-transferrable, and may not be used for any other combination other than a "special vehicle combination" as defined in this rule.

(4) In addition to the special overlength permit, the operator must obtain all other necessary permits for travel in Montana.

(5) When a terminal is beyond a 2-mile radius of an interchange on the interstate system, the department of transportation may authorize travel between the terminal and the interchange. The operator shall apply in writing to the department of highways for authorization to travel outside the 2-mile radius to reach a terminal. The written application must specify requested routing and show good cause why the travel is necessary.

(6) The department of transportation may restrict or prohibit travel of special vehicle combinations to specific routes, hours of operation, specific days, or seasonal periods, when adverse conditions, traffic, weather or other safety considerations make such operation unsafe or inadvisable. Special vehicle combinations shall not be dispatched during adverse weather conditions, as defined in section 392.14 of the Federal Motor Carrier Safety Regulations. If adverse weather or road conditions are encountered or if the road surface is icy or snowpacked, the driver of the special vehicle combination shall proceed to the next available exit or turnout and drop a trailer or wait for conditions to improve. If road or weather conditions are deemed sufficiently hazardous by the Montana department of transportation or the Montana highway patrol, they may instruct the special vehicle combinations to cease operations immediately until such hazardous conditions no longer exist.

(7) The following equipment requirements apply to special vehicle combinations:

(a) All trucks and truck tractors shall be powered to provide adequate acceleration ability and hill climbing ability under normal operating conditions, and to operate on level grades at speeds compatible with other traffic. The ability to maintain a minimum speed of 20 m.p.h. under normal operating conditions on any grade over which the combination is operated is required.

(b) All trucks and truck tractors shall have adequate traction to maintain a minimum speed of 20 m.p.h. under normal operating conditions on any grade over which the combination is operated and to

be able to resume a speed of 20 m.p.h. after stopping on any such grade and to negotiate all grades encountered.

(c) Each individual single and tandem axle shall have tires of the same size and construction (radial or non-radial) . Tires must be properly inflated for the load being carried, and shall meet the standards set forth in 49 CFR section 393.75.

(d) All fifth wheels shall be clean and lubricated with a light duty grease. The fifth wheel shall be located in a position which provides adequate stability. The fifth wheel shall be heavy duty as required in 49 CFR section 393.70.

(e) Pick-up plates shall be of equal strength to the fifth wheel, as provided in 49 CFR section 393.70.

(f) The king pin shall be of a solid type and permanently fastened. Screw out or folding type king pins are prohibited.

(g) All hitch connections shall be of a no-slack type, preferably air actuated ram. Air actuated hitches, when used, must be isolated from the primary air transmission system.

(h) The drawbar length shall be the practical minimum consistent with weight distribution and clearances required between trailers for turning and backing maneuvers.

(i) Permanently attached trailer axles must be those designed for the width of the trailer.

(i) Truck-trailer-trailer combinations must have a minimum of 6 axles. (ii) Truck tractor-semitrailer-trailer-trailer combinations must have a minimum of 7 axles. (j) All braking systems shall comply with state and federal requirements. In addition, fast air transmission and release valves shall be provided for all trailers, semitrailers, and converter dollies. A brake force proportioning valve may be provided on the steering axle. Indiscriminate use of engine retarder brakes is prohibited.

(k) Anti-sail mud flaps are required. If anti-sail mud flaps are not used, mud flaps and anti-spray and splash suppressant device systems are required.

(8) Special vehicle combinations are restricted to the following operating conditions:

(a) The total weight on any single axle may not exceed 20,000 pounds. The total weight on any tandem axle may not exceed 34,000 pounds. The total weight on any group of two or more consecutive axles may not exceed the amount provided in 61-10-107, MCA.

(b) In no case may any trailer or semitrailer be placed in front of another trailer or semitrailer which carries an appreciably heavier load. The heaviest trailer or semitrailer shall be placed in front and the lightest at the rear. An empty trailer or semitrailer may not precede a loaded trailer or semitrailer.

(c) A special vehicle combination shall be stable at all times during normal braking and normal operation. A special vehicle combination, when traveling on a level, smooth, paved surface, shall follow in the path of the towing vehicle without shifting or swerving more than three inches to either side when the towing vehicle is moving in a straight line.

(d) While operating on a highway with two lanes in one direction, permitted vehicles shall remain in the right hand lane unless otherwise posted or conditions otherwise require, or when passing another vehicle or when emergency conditions exist.

(e) A minimum safe distance of 100 feet per 10 m.p.h. of speed shall be maintained between a special vehicle combination and other vehicles except when overtaking and passing.

(f) In the event a special vehicle combination is disabled for any reason other than an accident, it shall be parked as far off the traveled way as possible and marked as required by Federal Motor Carrier Safety regulations.

(9) As required by 49 CFR section 177.835(c), transportation of Division 1.1 and 1.2 explosives is prohibited.

(10) A driver of a special vehicle combination shall be experienced in driving these combinations, maintain a good driving record and be subject to the following requirements:

(a) The driver shall comply with all of the driver's requirements of the Motor Carrier Safety Regulations of the U.S. department of transportation.

(b) The driver must have had documented special instruction and training in the operation of special vehicle combinations prior to operating any such combination on a highway.

(c) The driver shall be under the control and supervision of the company holding the overlength permit.

(d) No person who has had any suspension of driving privileges in any state during the past three years where such suspension arose out of the operation of a motor vehicle used as a contract or common carrier of persons or property may operate a special vehicle combination.

(e) All drivers of special vehicle combinations operating under a permit shall be certified by the permit holder's safety office. The certification shall demonstrate that the driver has met the written requirements of the Federal Motor Carrier Safety Regulations, 49 CFR parts 390 through 397. The certification shall also show that the driver has successfully completed a company approved road test for each type of combination to be operated. The driver certification forms shall be current and on file in the permit holder's business office as stated on the application and shall be available for inspection during normal business hours.

(f) All permit applicants are subject to prior approval to ensure that their equipment conforms with the requirements of these regulations and the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR parts 390 through 397. In addition, all equipment operated under the permit by the permit holder is subject to periodic field inspection to ensure continued compliance with equipment requirements.

(11) No person may operate any special vehicle combination under 61-10-124(4), MCA, at a speed greater than 55 miles per hour. Violation of this restriction shall result in confiscation of permits.

(12) Every special vehicle combination operated under an oversize permit shall be covered by insurance of not less than \$750,000 public liability and \$50,000 property damage unless a greater amount is required by state or federal law or regulations.

(13) No overlength permit may be issued to a company which does not have a documented, established and aggressive safety program, including a driver training and certification program.

(14) Any company approved to operate special vehicle combinations under an overlength permit shall provide the department of transportation with any information relating to accidents, operational costs, safety inspections, equipment, maintenance, and other items which may be requested.

(15) Notwithstanding other state and federal requirements for reporting motor vehicle accidents, reportable accidents involving special vehicle combinations operated under a special overlength permit must be reported to the Montana transportation department within 10 days of the date of the accident.

(16) The original permit shall be carried in the truck or truck-tractor of the special vehicle combination operating under the permit, and shall be displayed to any peace officer, employee of the department of transportation, Montana highway patrol, or public service commission upon request.

(17) In addition to the requirements in this rule, all equipment operated, all drivers employed and all operating procedures used shall comply with the current Motor Carrier Safety Regulations, parts 390 - 397 of the U.S. department of transportation, federal highway administration.

(18) An overlength permit may be confiscated by any peace officer or by the department of transportation for failure of the company or any of its drivers to comply with any requirement contained herein.

(19) Application for permits may be obtained from the Department of Transportation, Motor Carrier Services Division, Box 4639, Helena, MT 59604, during regular business hours, Monday through Friday, except on legal holidays observed by the state of Montana.

(20) Complaints concerning operation of special vehicle combinations may be reported to the administrator of the Department of Transportation, Motor Carrier Services Division, Box 4639, Helena, MT 59604. (History: 61-10-129, MCA; IMP, 61-10-124, MCA; NEW, 1987 MAR p. 1484, Eff. 8/28/87; AMD, 1996 MAR p. 1971, Eff. 7/19/96; AMD, 1998 MAR p. 171, Eff. 1/16/98; AMD, 2001 MAR p. 2142, Eff. 10/26/01.)

18.8.518 SPECIAL VEHICLE COMBINATION DRIVER CERTIFICATION (1) The operating company must keep physical records of all training. These records may be, audited at any time upon request by the department of transportation.

(2) The certification by the operating company will consist of the following:

(a) Each driver must complete an initial one-time road test consisting of at least 200 miles or 4 hours of driving a special vehicle combination. The road test must include driving the special vehicle combination under actual driving circumstances to include mountain driving and entering and exiting interchanges when applicable.

(b) Each company must provide its drivers with a documented annual review of the following:

(i) Federal Motor Carrier Safety Regulations as required in section 391.25.

(ii) State laws and regulations pertaining to the operation of special vehicle combinations (triples), including under adverse weather conditions.

(iii) The above certification is to be noted on the driver's "Violation and Review Record" (ATA Form C0680 or comparable) by the carrier.

(3) The operating company will provide the driver with a certification card, which the driver shall carry at all times when operating a special vehicle combination. The certification card shall be issued at the completion of the annual certification. The certification card shall be valid from January 1 through December 31 of each year. This certification card shall be available for display by the driver when requested by any employee of the department of transportation or the Montana highway patrol.

(a) Blank certification cards are available from the M.C.S. division of the department of transportation. (History: 61-10-129, MCA; IMP, 61-10-124(6), MCA; NEW, 1988 MAR p. 386, Eff. 2/26/88; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

18.8.519 WRECKERS AND/OR TOW VEHICLE REQUIREMENTS (1) The following regulations apply to wreckers and/or tow vehicles:

(a) When proceeding to an emergency, the wrecker or tow vehicle must enter an open weigh station except if the emergency creates highway blockage and/or serious threat to life and property. If this condition exists, the wrecker or tow vehicle must have top lights flashing and may pass by the open weigh station.

(b) The wrecker or tow vehicle may tow the vehicles or vehicle combination from the emergency scene to its place of business or operator's yard if it is within 100 miles of the emergency scene provided the licensed gross weight or actual gross weight of the power unit does not exceed 26,000 pounds. If the licensed gross weight or actual gross weight of the power unit exceeds 26,000 pounds, the disabled vehicle combination may be removed from the emergency scene to the first place where the disabled vehicle combination can be safely reduced to a single unit.

(c) Double and triple saddle mount configurations may be towed from the emergency scene to its place of business or operator's yard if it is within 100 miles of the emergency scene, and if the operator agrees to travel not more than 10 miles per hour below the posted speed limit. If a move exceeds 100 miles, the disabled vehicles may be removed from the emergency scene to the first place where the saddle mount configuration can be safely reduced to a single unit.

(d) When returning from an emergency, the wrecker or tow vehicle and load which exceeds the weight limits in 61-10-141, MCA, must enter an open weigh station.

(e) Permit requirements for tow vehicles operating under emergency conditions:

(i) If a tow vehicle or the vehicle being towed exceeds statutory limits, special permits are required and must be carried in the tow vehicle when responding to an emergency. An emergency response does not exempt the tow truck operator from special permit requirements.

(ii) A special permit is valid for both the towing vehicle and the disabled vehicle and load.

(iii) Special permits for overweight are valid for both divisible and non-divisible loads.

(iv) An emergency response exempts the tow truck operation from restricted hours of operation within 100 miles of the emergency scene.

(v) All flag vehicle, lights, and signing regulations apply to wreckers and/or tow vehicles responding to an emergency. (History: 61-10-155, MCA; IMP, 61-10-121 and 61-10-141, MCA; NEW, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

## Sub-Chapter 6

### Overweight Permit Requirements

**18.8.601 OVERWEIGHT SINGLE TRIP PERMITS** (1) The department of transportation hereby adopts and incorporates by reference weight tables established by the bridge bureau of the department of transportation for use in determining the conditions for the movement of overweight vehicles or loads. Information pertaining to weight tables and special permits for overweight vehicles and loads is available at the Motor Carrier Services Division, 2701 Prospect Avenue, Helena, Montana 59620, or by phone at (406) 444-6130.

(2) Unless otherwise specified through route analysis by the bridge bureau of the department of transportation, the maximum axle loads and the minimum axle spacing for which overweight permits may be issued for non-built-up loads shall conform to the requirements of the weight tables as referenced in section (1).

(3) The following definition applies to non-interstate highways only. A non-divisible load is a load which cannot be readily or reasonably dismantled and which is reduced to a minimum practical size and weight. Portions of a load can be detached and reloaded on the same hauling unit provided that the separate pieces are necessary to the operation of the machine or equipment which is being hauled, if the arrangement does not exceed permissible limits.

(4) The following definition applies to interstate highways only. Non-divisible means any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:

(a) Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;

(b) Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or

(c) Require more than 8 work hours to dismantle using appropriate equipment. The applicant for a non-divisible load permit has the burden of proof as to the number of work hours required to dismantle the load.

(d) Emergency response vehicles and casks designed and used for the transport of spent nuclear materials may be considered non-divisible vehicles or loads.

(5) Subject to the exercise of discretion of the administrator, M.C.S. division, permits may be issued for overweight loads of more than one item or for greater weights than those provided in the weight analysis manual where written application is made showing good cause for such exception.

(6) Special permits for weights which do not impose speed restrictions and for dimensions not exceeding the maximum dimensions allowed in 18.8.509 (12) (a) through (c) may be issued for continuous travel.

(7) Permits do not allow travel on any state highway where seasonal load limits are in effect without authorization of the district engineer administrator or his designated representative in the district or area where travel takes place.

(8) The fee will be computed on the total miles traveled which shall include all city streets, county roads, and all primary, secondary, and interstate highways on all public roads.

(9) The department may require an overweight vehicle or load to operate at less than the posted speed limit, but not as restrictive as conditions imposed by ARM 18.8.602 (DW-21 Conditions). (History: 61-10-155, MCA; IMP, 61-10-121 through 61-10-148, MCA; Eff. 12/31/72; AMD, 1981 MAR p. 1194, Eff. 10/16/81; AMD, 1984 MAR p. 389, Eff. 3/1/84; AMD, 1988 MAR p. 1704, Eff. 7/29/88;

AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

18.8.602 CONDITIONS IMPOSED FOR MAXIMUM WEIGHT (1) The department may restrict speed and impose additional requirements as a condition of the special permit in cases of extreme overweight.

(2) On interstate highways, unless specifically noted on the special permit, loads may maintain a maximum speed of 55 mph or the posted speed limit, whichever is less. The vehicle may remain in its own traffic lane and normal traffic will be allowed to pass. Only one overweight vehicle is allowed on a structure at a time.

(3) On non-interstate highways, when speed restrictions over structures are imposed, flag vehicles or one flag vehicle and one flag person, equipped with high visibility clothing and hand-signaling devices, are required. For purposes of this subsection, high visibility clothing shall be a flagger's vest, shirt, or jacket, orange, yellow, strong yellow green or fluorescent versions of these colors. Hand signaling devices shall be a stop/slow paddle 18 inches wide and octagonal in shape, with letters at least 6 inches high. The background of the stop face shall be red with white letters and border.

(4) Before crossing any non-interstate structure or structures, the hauling unit shall come to a complete stop approximately 50 feet from the end of the structure. After flag vehicles or flag persons have stopped all traffic onto the structure, the overweight vehicle shall proceed at a speed not to exceed 5 miles per hour with the center of the unit directly over the centerline of the roadway of the structure. There shall be no alteration of the speed (changing of gears) while on the structure or approach. Flag vehicles or flag persons shall not permit any other traffic on the structure until the overloaded vehicle is off the structure.

(5) Any violation of any of the above conditions, or axle weights and axle spacing, will automatically prohibit the owner from receiving any other permits for roading or hauling the vehicle in violation or any other similar vehicle under his jurisdiction or control.

(6) For purposes of this rule, the word "structure" shall mean any bridge, overpass, etc. (History: 61-10-155, MCA; IMP, 61-10-121 and 61-10-122, MCA; NEW, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1990 MAR p. 591, Eff. 3/30/90; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 2000 MAR p. 1075, Eff. 4/28/00.)

## Sub-Chapter 7

### Restricted route load permits

18.8.701 RESTRICTED ROUTE LOAD PERMITS (IS HEREBY REPEALED) (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-107, MCA.; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 9/5/74; AMD, Eff. 4/4/75; AMD, 1988 MAR p. 1704, Eff. 7/29/88; REP, 1996 MAR p. 1971, Eff. 7/19/96.)

## Sub-Chapter 8

### Permit Insurance Requirements

18.8.801 INSURANCE (1) A minimum of \$1 million combined single limit bodily injury and property damage liability per occurrence is required before a special permit may be issued. The permit must show the name of the insurance company. (History: 61-10-155, MCA; IMP, 61-10-121, 61-10-122, and 61-10-124, MCA; Eff. 12/31/72; AMD, 1984 MAR p. 389, Eff. 3/1/84; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 2000 MAR p. 1075, Eff. 4/28/00; AMD, 2001 MAR p. 2142, Eff. 10/26/01.)

## Sub-Chapter 9

### Confiscation of Permits

18.8.901 CONFISCATION OF PERMITS (1) Any violation of a special permit will be grounds for confiscation by an inspecting officer.

(2) A violation is considered as such whether it is violation of the laws of Montana, conditions attached to the permit, or the rules and regulations established by the department of transportation. Actions contrary to the rules of suspension as classified below will also be considered a violation.

(3) In each case where a special permit is apparent to the inspecting officer, the violated portion of the permit will be confiscated. The inspecting officer will notify the M.C.S. office in Helena.

(4) At the discretion of the department, the permittee may purchase a special movement permit to reach a destination which shall be at the discretion of the inspecting officer, either to a point of safety for the traveling public or to a point of actual destination. (History: 61-10-155, MCA. This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-121, 61-10-122, and 61-10-143, MCA; IMP, 61-10-121, 61-10-122, and 61-10-143, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1994 MAR p. 1148, Eff. 4/29/94; AMD, 2001 MAR p. 2142, Eff. 10/26/01.)

18.8.902 ADMINISTRATIVE PENALTIES (1) The following administrative penalties will result from the violations of a special permit issued to the permittee:

- (a) First violation - re-issue new permit.
- (b) Second violation - 24-hour suspension.
- (c) Third violation - 30-day suspension.
- (d) Fourth violation - 60-day suspension.
- (e) Fifth violation - 90-day suspension.
- (f) For violations exceeding the fifth violation, the permittee must apply in writing to the administrator of the motor carrier services division for a new permit.

(2) In addition to the penalties set forth above, in order to protect the safety of the traveling public, permit privileges may be revoked by the administrator of the motor carrier services division for failure by the permittee to comply with any state or federal commercial motor carrier requirements. In making a determination whether to revoke permit privileges under this rule, the administrator shall take into consideration the nature and number of violations by the permittee as well as the need to protect the safety of the traveling public and the protection of personal and public property.

- (3) Notice of administrative penalties or revocation of privileges pursuant to this rule:
  - (a) Be given in writing;
  - (b) Clearly state the reason or reasons for revocation; and
  - (c) Advise the permittee of the right to appeal the decision to the Montana transportation commission. (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-121, 61-10-122, and 61-10-143, MCA; IMP, 61-10-121, 61-10-122, and 61-10-143, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

## Sub-Chapter 10

### Mobile Homes

18.8.1001 OVERSIZE PERMIT (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 12/8/75; AMD, Eff. 4/8/76; AMD, 1979 MAR p. 323, Eff. 3/30/79; AMD, 1982 MAR p. 699, Eff. 4/16/82; REP, 1984 MAR p. 389, Eff. 3/1/84.)

18.8.1002 MOBILE HOME TOWING UNIT (TOTER) REQUIREMENTS (1) A mobile home towing unit (toter) shall be equipped with one or more dual-wheel drive axle and have a wheel base a minimum of 100 inches.

(2) The rated gross vehicle weight of the tow vehicle is determined by the base width of the manufactured housing which is being transported:

<u>Mfg. House Width</u>	<u>Minimum GVW Rating</u>
8.5 feet to 10 feet	6,000 pounds
Over 10 feet to 12 feet	8,000 pounds
Over 12 feet	9,000 pounds

(History: 61-10-155, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 12/8/75; AMD, Eff. 4/8/76; AMD, 1979 MAR p. 323, Eff. 3/30/79; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1996 MAR p. 2980, Eff. 7/19/96.)

18.8.1003 OVERSIZE MOVEMENT REQUIREMENTS (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-121 and 61-10-122, MCA; Eff. 12/31/72; AMD, Eff. 12/8/75; AMD, Eff. 4/8/76; AMD, 1979 MAR p. 323, Eff. 3/30/79; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.1004 INSURANCE REQUIREMENTS (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-121 and 61-10-122, MCA; Eff. 12/31/72; AMD, Eff. 12/8/75; AMD, Eff. 4/8/76; AMD, 1979 MAR p. 323, Eff. 3/30/79; AMD, 1984 MAR p. 389, Eff. 3/1/84; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.1005 TOTER LICENSE REQUIREMENTS (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 12/8/75; AMD, Eff. 4/8/76; AMD, 1979 MAR p. 323, Eff. 3/30/79; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.1006 MOBILE HOME LICENSE REQUIREMENTS (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 12/8/75; AMD, Eff. 4/8/76; AMD, 1979 MAR p. 323, Eff. 3/30/79; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.1007 REGULATIONS COVERING MOVEMENT OF OVERSIZE MOBILE HOMES, SECTIONAL HOMES, SECTIONAL BUILDINGS, PORTABLE HOMES AND BUILDINGS, PREFAB HOMES AND BUILDINGS, NOT INCLUDING PRE-CUT PANELIZED HOMES OR BUILDINGS, AND HOUSE OR BUILDING MOVING, OVER 12 FEET WIDE, INCLUDING EAVES (IS HEREBY REPEALED) (History: IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-121 and 61-10-122, MCA; Eff. 12/31/72; AMD, Eff. 12/8/75; AMD, Eff. 4/8/76; AMD, 1979 MAR p. 323, Eff. 3/30/79; AMD, 1984 MAR p. 389, Eff. 3/1/84; REP, 1988 MAR p. 1704, p. 7/29/88.)

18.8.1008 REGULATIONS COVERING MOVEMENT OF ALL VEHICLES OR LOADS EXCEEDING 15 FEET WIDE, TO AND INCLUDING 18 FEET WIDE (IS HEREBY REPEALED) (History: This rule is advisory only but may be a correct interpretation of the law. IMPLIED, 61-10-121 and 61-10-122, MCA; IMP, 61-10-121 and 61-10-122, MCA; NEW, 1988 MAR p. 1704, Eff. 7/29/88; REP, 1996 MAR p. 1971, Eff. 7/19/96.)

## Sub-Chapter 11

### Movement of Houses and Large Objects



18.8.1101 MOVEMENT OF HOUSES, BUILDINGS, EXTREMELY HEAVY MACHINERY, AND OTHER LARGE AND UNUSUAL OBJECTS (1) Movement by special permit of houses, buildings, heavy machinery and other large and unusual objects, which do not qualify under other rules and regulations of the department of transportation, shall be at the discretion of the department of transportation. Only the administrator of the motor carrier services division or his designee may impose additional requirements in addition to those specified in other rules to ensure safety of the traveling public and protect department property.

(2) When a manufactured home, double wide mobile home, modular home, or modular building has been assembled, the department may allow the building to be moved as one unit, with housemoving equipment, as a building, under a special permit.

(3) Application shall be made upon an M.C.S. form 32-j or other form specified by the department of transportation. These forms are available from the Motor Carrier Services Division, 2701 Prospect Avenue, Helena, Montana; by mail request to P.O. Box 4639, Helena, Montana 59604-4639; by phone (406) 444-6130; or on-line at the department web site: [www.mdt.state.mt.us](http://www.mdt.state.mt.us).

(4) Any special permit must be approved by the Helena M.C.S. office. Special permits in this rule must be approved by the department and may require written approval of local jurisdictions, utility companies and private property owners before the special permit may be issued. The administrator of the motor carrier services division may disapprove a 32-j application.

(5) The permittee shall furnish flag vehicles, flag persons, and such signs as required by the department of transportation. Whenever a move is proposed which requires using the opposite side of an interstate highway, traveling against traffic, or using the authorized crossover on interstate highways, the mover shall establish a work zone. Signing and traffic control must comply with the requirements of the Manual on Uniform Traffic Control Devices (MUTCD), 1988 edition, which is hereby incorporated by reference. Copies are available from the Motor Carrier Services Division, Box 4639, Helena, MT 59604, (406) 444-6130.

(6) The permittee shall not delay traffic in excess of ten minutes. The applicant shall make every possible effort to keep other traffic moving at all times.

(7) The permittee shall furnish such insurance as the department of transportation may require.

(8) The permittee shall be responsible for obtaining all necessary clearance or permits from city, county, or public utility.

(9) Advance notice of any movement may be required by the department of transportation.

(10) The permittee is responsible for damage to department property. Failure to correct damage to department property could result in revocation of permit privileges. Repairs not accomplished within 48 hours of completion of the move will be repaired by the department and expenses incurred by the department will be billed to the permittee.

(11) Convoys of a maximum of two buildings will be allowed on a case-by-case basis, and an application must be submitted in writing to the administrator of the motor carrier services division. Additional restrictions may apply to assure safety and convenience for the traveling public and protection of public and private property.

(12) Class one dimensions and moving requirements consist of the following:

- (a) Dimensions may not exceed 34 feet wide, 24 feet high, 120 feet overall length;
- (b) Weight does not require bridge bureau approval;
- (c) The form 32-j will be approved in two working days;
- (d) Three flag vehicles are required. Additional flag vehicles may be required if road construction, route of travel, or other conditions impose a hazard;

(e) Class one buildings or loads may be moved only during daylight hours, Monday through Friday. No travel is allowed on holidays or holiday weekends. No travel is allowed after 3:00 p.m. on Friday until sunrise on Monday on routes indicated on the "red route restrictions" map. In the best interests of the traveling public, the administrator of the motor carrier services division may authorize travel at times other than those specified in this rule.

(f) The "red route restrictions" map is available from the Motor Carrier Services Division, Box 4639, Helena, MT 59604, (406) 444-6130.

(13) Class two dimensions and moving requirements consist of the following:

(a) Dimensions exceed 34 feet wide, 24 feet high or if height of building and/or route requires utilities to cut power lines, 120 feet overall length;

(b) Weight requires approval of the department's bridge bureau;

(c) Route of travel requires establishment of a work zone;

(d) \$15,000 bond must be on file in the Helena motor carrier services division;

(e) The form 32-j will be approved within a maximum of 10 working days;

(f) Four flag vehicles are required. Additional flag vehicles may be required if road construction, route of travel, or other conditions impose a hazard;

(g) Travel is allowed during daylight hours only, from sunrise Monday until Friday at 3 p.m. In the best interests of the traveling public, the administrator of the motor carrier services division may authorize travel at times other than those specified in this rule. (History: 61-10-155, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1990 MAR p. 1260, Eff. 6/29/90; AMD, 1996 MAR p. 2980, Eff. 7/19/96; AMD, 1997 MAR p. 546, Eff. 3/25/97, AMD, 1997 MAR p. 546, Eff. 3/25/97, AMD, 1998 MAR p. 171, Eff. 1/16/98; AMD, 2004 MAR p. 2392, Eff. 10/8/04.)

## Sub-Chapter 12

### Special Vehicle Movement Conditions

18.8.1201 CONDITIONS IMPOSED FOR MAXIMUM WEIGHT (DW 21 CONDITIONS) (IS HEREBY REPEALED) (History: 61-10-121 and 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA; Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1988 MAR p. 1704, Eff. 7/29/88.)

18.8.1202 DART HOUGH 400 FRONT END LOADER (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1203 CATERPILLAR TRACTOR LOADER MODEL 988 (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1204 TRACTORS WITH DOZER BLADES (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1205 ROADING OF INTERNATIONAL 180 PAY HAULER (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1206 ROADING OF EUCLID TANDEM TS-14 SCRAPER OVER THE STANDARD BRIDGES ON THE PRIMARY HIGHWAY SYSTEM (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1207 MICHIGAN TRACTOR DOZER MODEL 480 (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1208 MICHIGAN TRACTOR DOZER MODEL 380 (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1209 MICHIGAN TRACTOR SHOVEL MODEL 375A (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1210 EUCLID MODELS S-18, TS-18, TS-24 AND SIMILAR COMBINATIONS (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1211 3-AXLE SCOOPMOBILE (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1212 CATERPILLAR 631 - SERIES A (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1213 CATERPILLAR 650 OVER STANDARD BRIDGES AND THE PRIMARY SYSTEM (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1214 ROADING OF CATERPILLAR DW-2L'S AND SIMILAR COMBINATIONS (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

18.8.1215 HAULPAC MODEL 50 (IS HEREBY REPEALED) (History: 61-10-122, MCA; IMP, 61-10-101 through 61-10-148, MCA, Eff. 12/31/72; AMD, Eff. 11/4/74; REP, 1981 MAR p. 1194, Eff. 10/16/81.)

### Sub-Chapter 13

#### Weigh Station / Patrol

18.8.1301 COMPLIANCE WITH WEIGHING LOCATION SIGNS (1) Drivers of vehicles meeting the requirements of 61-10-141 (1) and (3), MCA, are required to stop at all weighing locations displaying an open sign.

(2) A violation of this rule is punishable as provided by law. (History: 61-10-155, MCA; IMP, 61-10-11, MCA; NEW, 2004 MAR p. 2392, Eff. 10/8/04.)

### Sub-Chapter 14

#### Enforcement

18.8.1401 QUALIFICATIONS AND TRAINING FOR M.C.S. PERSONNEL AND PEACE OFFICERS (1) Each employee is subject to an extensive background investigation, including credit check.

- (2) Each employee shall successfully complete any Montana law enforcement academy courses required by the motor carrier services division.
- (3) In addition, each employee must successfully complete the M.C.S. division's training program.
- (4) An entry level officer must also successfully serve a probationary period of nine months.
- (5) Prior to making arrests as provided in 61-12-206, MCA, an employee must execute the prescribed code of ethics.
- (6) The employee must also take the official oath of office, which is filed with the secretary of state.
- (7) Each employee must meet the requirements set forth in 7-32-303(2), MCA. (History: 61-12-202, MCA; IMP, 61-12-201 and 61-12-202, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1073, Eff. 3/28/80; AMD, 1988 MAR p. 1704, Eff. 7/29/88; AMD, 1991 MAR p. 2219, Eff. 11/15/91; AMD, 1994 MAR p. 1148, Eff. 4/29/94.)

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